

1 **HB4047 (Chapter 226 of 2014) - House Ways and Means - An Act relative to**
2 **assisting individuals with autism and other intellectual or developmental**
3 **disabilities**

Last Action: 8/5/14 - Signed by the Governor

4 Be it enacted by the Senate and House of Representatives in General Court
5 assembled, and by the authority of the same as follows:

6 SECTION 1. Chapter 6 of the General Laws is hereby amended by adding the
7 following section:-

8 Section 217. (a) There shall be a commission on autism located within, but not
9 subject to the control of, the executive office of health and human services. The
10 commission shall consist of 35 members and shall be comprised of: the secretary of
11 health and human services or a designee, who shall serve as chair; 1 member of the
12 house of representatives appointed by the speaker; 1 member of the house of
13 representatives appointed by the minority leader of the house; 1 member of the senate
14 appointed by the senate president; 1 member of the senate appointed by the minority
15 leader of the senate; the commissioner of developmental services or a designee; the
16 commissioner of mental health or a designee; the secretary of education or a designee;
17 the director of housing and community development or a designee; the secretary of
18 labor and workforce development or a designee; the commissioner of the
19 Massachusetts rehabilitation commission or a designee; the commissioner of early
20 education and care or a designee; the commissioner of elementary and secondary
21 education or a designee; the commissioner of higher education or a designee; the
22 secretary of elder affairs or a designee; the commissioner of children and families or a
23 designee; the commissioner of public health or a designee; the director of the office of
24 Medicaid or a designee; 1 person appointed by the secretary of education from the
25 community college system; the director of the division of autism or a designee; 1 person
26 appointed by the commissioner of developmental services who shall have clinical
27 knowledge of smith-magenis syndrome; and 14 persons to be appointed by the
28 governor, 1 of whom shall have a diagnosis of autism spectrum disorder, 1 of whom
29 shall be a representative of Advocates for Autism of Massachusetts, 1 of whom shall be
30 a representative of the Autism Insurance Resource Center, 1 of whom shall be a
31 representative of Massachusetts Advocates for Children, 1 of whom shall be a
32 representative of the Arc of Massachusetts, 1 of whom shall be a representative of
33 Autism Speaks, Inc., 1 of whom shall be a representative of the Lurie Center and 1 of
34 whom shall be a representative of the Aspergers Association of New England, Inc.
35 Members of the commission shall be persons with demonstrated interest, experience
36 and expertise in autism and related services and shall serve for a term of 4 years,
37 without compensation. Any member shall be eligible for reappointment. Vacancies shall
38 be filled for the remainder of the unexpired term. Any member may be removed by the
39 governor for cause.

40 (b) There shall be an executive director of the committee. The executive director
41 shall be appointed by the governor from candidates recommended by the committee.
42 The executive director may be removed by the governor for cause. The executive
43 director shall promote the goals of the commission and improve commission functions
44 through the coordination and standardization of programs, operations and procedures.
45 The executive director shall have a working knowledge of the autism service delivery
46 system and agencies providing these services, legislative advocacy experience and a
47 personal connection to autism. The executive director may: expend appropriated funds
48 together with additional funds from federal grants and other contributions, which may be
49 made available for these purposes; and appoint other necessary personnel for the
50 efficient management of the office. Expenditures for salaries and for other
51 administrative functions shall be approved by the commission. Duties of the executive
52 director shall include, but not be limited to: (i) reporting on the progress of
53 implementation of the 13 recommendations of the March 2013 Massachusetts autism
54 commission report with periodic benchmarks and cost estimates for a coordinated,
55 system-wide response supporting people of all ages on the autism spectrum; (ii)
56 coordination of commission meetings; (iii) coordination with relevant state agencies; and
57 (iv) completion of the annual report.

58 (c) The commission shall make recommendations on policies impacting individuals
59 with autistic spectrum disorders, which shall include, but not be limited to, asperger's
60 syndrome, high functioning autism, smith-magenis syndrome and pervasive
61 development disorder. The commission shall investigate the range of services and
62 supports necessary for such individuals to achieve their full potential across their
63 lifespan, including, but not limited to, investigating issues related to public education,
64 higher education, job attainment and employment, including supported employment,
65 provision of adult human services, post-secondary education, independent living,
66 community participation, housing, social and recreational opportunities, behavioral
67 services based on best practices to ensure emotional well-being, mental health services
68 and issues related to access for families of children with autism spectrum disorder and
69 adults who are from linguistically and culturally diverse communities. The commission
70 shall meet at least quarterly, or as frequently as the executive director recommends.
71 The commission shall file an annual report, on or before March 1, with the governor, the
72 joint committee on children, families and persons with disabilities and the joint
73 committee on health care financing outlining unmet needs and trends in autism
74 services, supports and treatments for the autism population, including any
75 recommendations for regulatory and legislative action necessary to provide or improve
76 such services or supports. The commission shall monitor the implementation of its
77 recommendations and update recommendations to reflect current research and service
78 needs as necessary.

79 SECTION 2. Chapter 15C of the General Laws is hereby amended by adding the
80 following section:-

81 Section 29. (a) As used in this section the following words shall, unless the context
82 clearly requires otherwise, have the following meanings:-

83 Achieving a better life experience account or ABLE account, a savings and qualified
84 disabilities expense account established and maintained by the authority, or a
85 designated administrator, pursuant to this section and its implementing regulations for
86 the purposes of qualified disability expenses.

87 Designated administrator, any corporation whose powers and privileges are
88 provided for in any general or special law, whether for profit or not, designated by the
89 authority for the purpose of administering ABLE accounts.

90 Disability verification, a verification, to the authority or its designated administrator,
91 by the designated beneficiary or the parent or guardian of the designated beneficiary
92 that: (i) includes a copy of the designated beneficiary's diagnosis, which shall specify
93 that such person is an individual with a disability and shall be signed by a physician or a
94 licensed clinical psychologist; and (ii) the designated beneficiary is either (1) receiving
95 benefits under the supplemental security income program under Title XVI of the Social
96 Security Act or whose benefits under such program are suspended for a reason other
97 than misconduct, (2) for purposes of Title XIX of the Social Security Act, deemed to be
98 or treated as, receiving benefits from the office of Medicaid under the supplemental
99 security income program under Title XVI of the Social Security Act or whose benefits
100 under such program are suspended for a reason other than misconduct or (3) receiving
101 disability benefits under Title II of the Social Security Act.

102 Individual with a disability, an individual who, regardless of age, has a medically
103 determinable physical or mental impairment, which results in marked and severe
104 functional limitations, and which can be expected to result in death or which has lasted
105 or can be expected to last for a continuous period of not less than 12 months, or is
106 blind.

107 Physician, a medical or osteopathic doctor licensed to practice medicine in the
108 commonwealth.

109 Qualified disability expenses, expenses made for the benefit of an individual with a
110 disability or for the benefit of a special needs trust established for the benefit of such an
111 individual.

112 (b) There shall be within the authority, the achieving a better life experience
113 program for the purposes of administering ABLE accounts established to encourage
114 and assist individuals and families in saving private funds for the purpose of supporting
115 individuals with disabilities. Under the program, a person may make contributions to an
116 ABLE account to meet the qualified disability expenses of the designated beneficiary of
117 the account.

118 (c) For the purposes of this section and subparagraph (17) of paragraph (a) of Part
119 B of section 3 of chapter 62 the following expenses shall be qualified disability expenses
120 if such expenses are made for the benefit of an individual with a disability who is a
121 designated beneficiary and the expenses are related to such disability:

122 (1) expenses for education, including tuition for pre-school through post-
123 secondary education, which shall include higher education expenses, as defined by 26
124 U.S.C. 529(e)(3)(A), and expenses for books, supplies and educational materials
125 related to preschool and secondary education, tutors and special education services;

126 (2) expenses for a primary residence, including rent, purchase of a primary
127 residence or an interest in a primary residence, mortgage payments, real property
128 taxes, and utility charges;

129 (3) expenses for transportation, including the use of mass transit, the purchase or
130 modification of vehicles and moving expenses;

131 (4) expenses related to obtaining and maintaining employment, including job-
132 related training, assistive technology and personal assistance supports;

133 (5) expenses for health and wellness, including premiums for health insurance,
134 mental health, medical, vision and dental expenses, habilitation and rehabilitation
135 services, durable medical equipment, therapy, respite care, long-term services and
136 supports, nutritional management, communication services and devices, adaptive
137 equipment, assistive technology and personal assistance;

138 (6) expenses for financial management and administrative services, legal fees,
139 expenses for oversight and monitoring;

140 (7) expenses for home improvements and modifications, maintenance and repairs
141 at a primary residence;

142 (8) expenses for a funeral or burial; and

143 (9) expenses for assistive technology and personal support with respect to any
144 item described in this section.

145 (d) A person may make contributions to an ABLE account to meet the qualified
146 disability expenses of the designated beneficiary of the account; provided that the
147 account and contributions meet the other requirements of this section and regulations
148 promulgated by the authority.

149 (e) An ABLE account shall be a qualified disabilities expense account if: (1) it
150 provides that purchases or contributions may only be made in cash; (2) provides
151 separate accounting for each designated beneficiary; (3) provides that any contributor
152 to, or designated beneficiary under, such program may not directly or indirectly direct
153 the investment of any contributions to the program or any earnings thereon; and (4)
154 provides adequate safeguards to prevent contributions on behalf of a designated
155 beneficiary in excess of those necessary to provide for the qualified disability expenses
156 of the beneficiary.

157 (f) The authority, or its designated administrator, shall treat an individual as an
158 individual with a disability if the person files a disability verification with the authority or
159 such designated administrator.

160 (g) The authority shall file an annual report with the department of developmental
161 services, the joint committee on children, families and persons with disabilities and the
162 house and senate committees on ways and means on the usage of ABLE accounts.
163 The report shall include, but not be limited to: (1) the number of people with an ABLE
164 account; (2) the total amount of contributions to such accounts; (3) the total amount and
165 nature of distributions from such accounts; and (4) issues relating to the abuse of such
166 accounts.

167 (h) The authority may promulgate regulations and enter into agreements to
168 implement this section.

169 SECTION 3. Section 1 of chapter 19B of the General Laws, as appearing in the
170 2012 Official Edition, is hereby amended by inserting after the word disability, in line 8,
171 the following words:- or persons with a developmental disability.

172 SECTION 4. Said section 1 of said chapter 19B, as so appearing, is hereby further
173 amended by striking out, in line 23, the words mental retardation services and inserting
174 in place thereof the following words:- services for persons with an intellectual disability.

175 SECTION 5. Said section 1 of said chapter 19B, as so appearing, is hereby further
176 amended by striking out, in lines 27 and 28, the words intellectual disabilities services
177 and inserting in place thereof the following words:- services for persons with an
178 intellectual disability or a developmental disability.

179 SECTION 6. Section 2 of said chapter 19B, as so appearing, is hereby amended by
180 striking out, in line 2, the words mental retardation and inserting in place thereof the
181 following words:- developmental services.

182 SECTION 7. Said section 2 of said chapter 19B, as so appearing, is hereby further
183 amended by striking out, in line 18, the words mental retardation.

184 SECTION 8. Said section 2 of said chapter 19B, as so appearing, is hereby further
185 amended by striking out, in line 31, the words mental retardation and inserting in place
186 thereof the following words:- persons with an intellectual disability or a developmental
187 disability.

188 SECTION 9. Section 12 of said chapter 19B, as so appearing, is hereby amended
189 by striking out, in line 4, the words mental retardation programs and inserting in place
190 thereof the following words:- persons with an intellectual disability.

191 SECTION 10. Said chapter 19B is hereby further amended by inserting after
192 section 12 the following section:-

193 Section 12A. The department, subject to appropriation, shall establish a
194 comprehensive program of community developmental disability services and shall
195 establish standards for the development of programs in appropriate geographic areas to
196 ensure access to needed services. The commissioner shall ensure citizen, consumer
197 and family participation in the oversight of community developmental disability services
198 at all such levels, including the local level.

199 SECTION 11. Section 13 of said chapter 19B, as appearing in the 2012 Official
200 Edition, is hereby amended by inserting after the words, disability services, in line 3, the
201 following words:- and community developmental disability services.

202 SECTION 12. Said section 13 of said chapter 19B, as so appearing, is hereby
203 further amended by inserting after the word disability, in line 9, the following words:- and
204 developmental disability.

205 SECTION 13. Said section 13 of said chapter 19B, as so appearing, is hereby
206 further amended by inserting after the word services, in line 13, the following words:-
207 and developmental disability services.

208 SECTION 14. Said chapter 19B is hereby further amended by the inserting after
209 section 15 the following section:-

210 Section 15A. (a) (1) The department shall issue a license, for a term of 2 years,
211 to any program that offers residential or day care services to the public and provides
212 treatment for persons with a developmental disability; provided, that prior to issuing or
213 renewing a license the department shall determine whether the program is responsible,
214 suitable and meets applicable licensure standards and requirements.

215 (2) Notwithstanding paragraph (1), the department may license programs that
216 provide care but not treatment for persons with a developmental disability.

217 (3) The department shall not require a license under this section where such
218 residential or day care treatment is provided within an institution or facility licensed by
219 the department of public health under chapter 111 The department may grant the type
220 of license which it deems suitable for a program. The department shall fix reasonable
221 fees for licenses and the renewal thereof. The department shall promulgate regulations
222 for the operation of programs licensed under paragraphs (1) and (2).

223 (b) Each program licensed pursuant to this section shall: (i) maintain and make
224 available to the department such statistical and diagnostic data as may be required by
225 the department and (ii) be subject to the supervision, visitation and inspection of the
226 department.

227 (c) The department may refuse to grant or renew a license and may suspend,
228 revoke, limit or restrict the applicability of a license granted under this section, subject to
229 the procedural requirements of section 13 of chapter 30A for a violation of its

230 regulations or standards concerning such program. The department may temporarily
231 suspend a license prior to a hearing in cases of emergency, if it deems that such
232 suspension would be in the public interest; provided, however, that upon request of an
233 aggrieved party, a hearing shall be held after the license is suspended. Any party
234 aggrieved by a decision of the department under this section may appeal under section
235 14 of said chapter 30A.

236 (d) No program, for which a license is required under paragraph (a), shall provide
237 residential or day care services for the treatment or care of persons with a
238 developmental disability unless it has obtained a license under this section. The
239 superior court sitting in equity shall have jurisdiction, upon petition of the department, to
240 restrain any violation of this section or to take such other action as equity and justice
241 may require. Whoever violates this section shall be punished for the first offense by a
242 fine of not more than \$1,000 or by imprisonment for not more than 2 years in a house of
243 correction.

244 (e) Each individual served by such a program shall be granted protection from
245 commercial and private exploitation. No person shall be video taped, audio taped,
246 photographed, interviewed or exposed to the public without express written consent
247 from the individual or the individuals legal guardian. Whoever violates this paragraph
248 shall be punished by a fine of not more than \$2,000 or by imprisonment for not more
249 than 2½ years in a house of correction or by imprisonment for not more than 5 years in
250 the state prison.

251 (f) Notwithstanding paragraphs (a) to (e), inclusive, a child care center, family child
252 care home, family child care system, family foster care or group care facility, as defined
253 in section 1A of chapter 15D, shall not be subject to this section.

254 SECTION 15. Section 17 of said chapter 19B, as appearing in the 2012 Official
255 Edition, is hereby amended by striking out, in lines 1 and 2, the words mentally retarded
256 persons and inserting in place thereof the following words:- persons with an intellectual
257 disability or a developmental disability.

258 SECTION 16. Said section 17 of said chapter 19B, as so appearing, is hereby
259 further amended by striking out, in line 11, the words any mentally regarded person
260 competitively employed, and inserting in place thereof the following words:- a
261 competitively employed individual with an intellectual disability or a developmental
262 disability.

263 SECTION 17. Section 18 of said chapter 19B, as so appearing, is hereby amended
264 by striking out, in line 10, the words mentally ill and persons with an intellectual disability
265 and inserting in place thereof the following words:- persons with mental illness and
266 persons with an intellectual or developmental disability.

267 SECTION 18. Said section 18 of said chapter 19B, as so appearing, is hereby
268 further amended by striking out, in lines 14 and 15, the words mentally ill and mentally

269 retarded individuals and inserting in place thereof the following words:- persons with
270 mental illness and persons with an intellectual or developmental disability.

271 SECTION 19. Said section 18 of said chapter 19B, as so appearing, is hereby
272 further amended by striking out, in line 17, the words disability and mentally ill and
273 inserting in place thereof the following words:- or developmental disability and a mental
274 illness.

275 SECTION 20. Said section 18 of said chapter 19B, as so appearing, is hereby
276 further amended by inserting after the word disability, in line 30, the following words:- or
277 a developmental disability.

278 SECTION 21. Paragraph (a) of Part B of section 3 of chapter 62 of the General
279 Laws, as so appearing, is hereby amended by adding the following subparagraph:-

280 (17) Distributions from a fund established pursuant to the ABLE program, under
281 section 29 of chapter 15C, to the extent otherwise included in income, when such
282 distributions are used to pay qualified disability expenses.

283 SECTION 22. Section 38G of chapter 71 of the General Laws, as so appearing, is
284 hereby amended by inserting after the word disabilities, in line 266, the following words:-
285 , including children with autism.

286 SECTION 23. Section 38G ½ of said chapter 71 , as so appearing, is hereby
287 amended by inserting before the definition of board, the following definition:-

288 Autism or autism spectrum disorders shall have the same meaning as the most
289 recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

290 SECTION 24. Said section 38G ½ of said chapter 71 , as so appearing, is hereby
291 further amended by adding the following paragraph:-

292 The board shall provide an endorsement in autism which shall include both
293 coursework and field experience for licensed special education teachers to acquire the
294 competencies necessary to conduct assessments, develop appropriate individualized
295 education programs, provide specially designed instruction and related services and
296 consult and collaborate with other educators, including general education teachers, in
297 order to meet the unique and complex educational needs of students with autism in the
298 least restrictive environment. Competencies shall also include, but not be limited to, the
299 impact of autism on verbal and nonverbal communication, social interaction, sensory
300 experiences, behaviors, literacy and academic achievement. All content taught as part
301 of this specialization shall be consistent with the requirements of the Individuals with
302 Disabilities Education Act, 20 U.S.C. 1400 et seq., for evidence based practices. The
303 requirements for the endorsement in autism, as promulgated by the board, may also be
304 used to satisfy course requirements necessary to obtain a professional license. The
305 board shall promulgate regulations specifying the subject matter knowledge, skills and

306 competencies required for such endorsement, including requirements to incorporate
307 renewal of the endorsement as part of the individual professional development plan
308 required pursuant to section 38G. Said regulations shall also specify components
309 necessary for preparation programs offering an endorsement in autism, which shall be
310 included in the departments process for approving preparation programs.

311 SECTION 25. Chapter 118E of the General Laws is hereby amended by inserting
312 after section 10G the following section:-

313 Section 10H. Subject to the availability of federal financial participation, the division
314 shall cover medically necessary treatments for persons younger than 21 years old who
315 are receiving medical coverage under this chapter and who are diagnosed with an
316 autism spectrum disorder by a licensed physician or a licensed psychologist. If federal
317 funds are available to the commonwealth, said coverage shall include, but shall not be
318 limited to, services for applied behavior analysis supervised by a board certified
319 behavior analyst and dedicated and non-dedicated augmentative and alternative
320 communication devices, including, but not limited to medically necessary tablets.

321 SECTION 26. Section 1 of chapter 123B of the General Laws, as appearing in the
322 2012 Official Edition, is hereby amended by inserting after the definition of independent
323 funds the following definition:-

324 Person with a developmental disability, (1) an individual 5 years of age or older with
325 a severe, chronic disability that: (i) is attributable to a mental or physical impairment
326 resulting from intellectual disability, autism, smith-magenis syndrome or Prader-Willi
327 syndrome; (ii) is manifested before the individual attains age 22; (iii) is likely to continue
328 indefinitely; (iv) results in substantial functional limitations in 3 or more of the following
329 areas of major life activity: (1) self-care; (2) receptive and expressive language; (3)
330 learning; (4) mobility; (5) self-direction; (6) capacity for independent living; and (7)
331 economic self-sufficiency; and (v) reflects the individual's need for a combination and
332 sequence of special, interdisciplinary or generic services, supports or other assistance
333 that is of a lifelong or extended duration and is individually planned and coordinated; or
334 (2) an individual under the age of 5 who has a substantial developmental delay or
335 specific congenital or acquired condition with a high probability that the condition will
336 result in a developmental disability if services are not provided. A person who has a
337 developmental disability may be considered to be mentally ill; provided, however, that
338 no person with a developmental disability shall be considered to be mentally ill solely by
339 reason of the persons developmental disability.

340 SECTION 27. Section 2 of said chapter 123B, as so appearing, is hereby amended
341 by adding the following paragraph:-

342 The department shall, in accordance with section 2 of chapter 30A and subject to
343 appropriation, adopt regulations consistent with this chapter which establish procedures
344 and the highest practicable professional standards for community services for persons
345 with developmental disabilities.

346 SECTION 27A. The department of developmental services and the department of
347 mental health shall establish and implement a plan to provide services to individuals
348 who have both a mental illness and a developmental disability and are also eligible for
349 services from both the department of developmental services and the department of
350 mental health. When developing the plan, the departments shall consider (i) ways to
351 facilitate communication between the departments, (ii) protocols to determine which
352 services shall be provided by which department and (iii) ways to ensure that an
353 individual who is eligible for services from both departments receives all services for
354 which an individual is eligible. The plan may include an interagency agreement as
355 permitted under section 21 of chapter 19 of the General Laws.

356 The departments shall jointly file a report on the plan with the clerks of the senate
357 and house of representatives, who shall forward the report to the house and senate
358 chairs of the joint committee on mental health and substance abuse, the house and
359 senate chairs of the joint committee on children, families and persons with disabilities,
360 the house and senate chairs of the joint committee on health care financing, the chair of
361 the senate committee on ways and means and the chair of the house committee on
362 ways and means, not later than December 31, 2015.

363 SECTION 28. The department of developmental services shall file an annual report
364 reviewing its progress in the implementation of this act on or before the first business
365 day of February, and shall file the first such report not later than February 3, 2015. The
366 report shall include, but not be limited to: (1) the number of new clients with autism or
367 Prader-Willi syndrome; (2) the number of individuals, if any, on a waitlist for the
368 services provided under this act and the reasons for and the expected duration of the
369 waitlist; (3) the number of additional staff hired to assess and evaluate the clients and
370 services; (4) the number of staff hired to deliver, manage and administer the services;
371 (5) challenges encountered and met in serving new clients; (6) challenges that continue
372 and those that are foreseen in the near future; (7) additional costs incurred in serving
373 these clients; and (8) savings if any realized.

374 SECTION 29. The commission on autism, established under section 217 of chapter
375 6 of the General Laws, shall investigate and study the higher education opportunities,
376 employment training opportunities and employment opportunities available to persons
377 with autism spectrum disorder and shall make recommendations in regard thereto. The
378 commission shall determine the current status of such higher education opportunities,
379 employment training opportunities and employment opportunities including, but not
380 limited to, vocational training programs for teen-aged and young adult persons with
381 autism spectrum disorder and shall make recommendations for providing appropriate
382 higher education, employment training and employment opportunities for the population
383 of residents in the commonwealth who have been diagnosed with autism spectrum
384 disorder. Additionally, the commission shall review the rise in the prevalence of autism
385 spectrum disorder diagnoses among children in the past 30 years and shall make
386 estimates of the number of children, aged 21 or younger, with autism spectrum disorder
387 who will become adults in the coming decades and the resulting need for employment
388 training and employment opportunities for those individuals and shall recommend a

389 plan-of-action for the commonwealth in regard thereto. The commission shall file its
390 report with the clerks of the senate and house of representatives and the chairs of the
391 joint committee on children, families and persons with disabilities on or before June 30,
392 2015.

393 SECTION 30. The commission on autism, established under section 217 of chapter
394 6 of the General Laws, shall make an investigation and study of the present, and
395 anticipated future, statewide affordable supportive housing needs for the
396 commonwealth's population of persons with autism spectrum disorder. The commission
397 shall develop and conduct a statewide housing survey to determine the current status of
398 affordable supportive housing stock for adults with autism spectrum disorder and shall
399 make recommendations in regard thereto. Additionally, the commission shall review the
400 rise in the prevalence of autism spectrum disorder diagnoses among children in the past
401 30 years and shall make estimates of the number of children, aged 21 or younger, with
402 autism spectrum disorder who will become adults in the coming decades and the
403 resulting need for affordable supportive housing for those individuals and shall
404 recommend a plan-of-action for the commonwealth in regard thereto. The commission
405 shall file its report with the clerks of the senate and house of representatives and the
406 chairs of the joint committee on children, families and persons with disabilities on or
407 before June 30, 2015.

408 SECTION 31. For 1 year after the board has promulgated regulations as required
409 under section 24, teachers who have previously been employed serving primarily
410 students with autism shall be eligible to receive an autism endorsement, provided that
411 they demonstrate the knowledge, skills and competencies necessary to receive such
412 endorsement, subject to regulations promulgated by the board of elementary and
413 secondary education.

414 SECTION 32. The board of elementary and secondary education shall promulgate
415 the regulations required pursuant to section 24 on or before June 30, 2015.

416 SECTION 33. (a) The executive director of the commission on autism, appointed
417 under section 217 of chapter 6 of the General Laws, shall: request the United States
418 Social Security Administration to revise its rules and regulations so that ABLE accounts,
419 as described in section 2, shall not be considered to be a countable resource of the
420 beneficiary of the ABLE account for the purposes of the Supplemental Security Income
421 program; request the Office of Medicaid, to revise its rules and regulations so that ABLE
422 accounts, as described in section 2, shall not be considered to be a countable resource
423 of the beneficiary of the ABLE account for the purposes of the MassHealth program;
424 provided that the Office of Medicaid may seek a waiver so that ABLE accounts shall not
425 be considered a countable resource; and seek any other exemptions or waivers, which
426 shall be necessary to ensure that beneficiaries do not lose their benefits under the
427 Supplemental Security Income program as a result of assets contained in an ABLE
428 account.

429 (b) Upon determining that beneficiaries of an ABLE account, as described in
430 section 2, will not lose their benefits under the Supplemental Security Income and
431 MassHealth programs as a result of assets contained in an ABLE account, the
432 executive director shall file a report with the clerks of the house of representatives and
433 the senate certifying such determination.

434 SECTION 34. Sections 2 and 21 shall take effect upon the filing of the report by the
435 executive director of the commission on autism under subsection (b) of section 33.

436 Approved, August 5, 2014

Filename: FFE35BF0
Directory: C:\Users\Hernande\AppData\Local\Microsoft\Windows\Tempor
y Internet Files\Content.MSO
Template: C:\Users\Hernande\AppData\Roaming\Microsoft\Templates\Norm
al.dotm
Title:
Subject:
Author: Victor Hernandez
Keywords:
Comments:
Creation Date: 9/1/2014 8:33:00 AM
Change Number: 2
Last Saved On: 9/1/2014 8:33:00 AM
Last Saved By: Victor Hernandez
Total Editing Time: 1 Minute
Last Printed On: 9/1/2014 8:36:00 AM
As of Last Complete Printing
Number of Pages: 12
Number of Words: 5,065 (approx.)
Number of Characters: 28,877 (approx.)